



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
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February 23, 2001

Toby Ross  
City Manager  
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PO Box 1480  
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RE: EPA and UDEQ's Response to January 19, 2001 Letter from Park City with Questions Regarding Proposed Soils Ordinance Work Group

Dear Mr. Ross:

In your recent letter to EPA and UDEQ, you identified five outstanding questions and concerns regarding the Soils Ordinance Work Group. This letter provides our joint response to those questions.

**On page three (3) of the letter, reference is made to "archiving the site" from the CERCLIS data base. Can you outline the specific steps required to achieve this status in the Prospector neighborhoods?**

As noted in our September 25, 2000 letter, the primary factor for archiving the Silver Creek Tailings Site (a.k.a Prospector Square) from the CERCLIS database is the need for reasonable assurance that the contamination at the site is not, and will not, present any unacceptable risk to human health or the environment. Until this is achieved to our satisfaction, the site will remain as an active site on CERCLIS. EPA and UDEQ have identified several issues which we currently feel prevent this assurance. We have also identified several possible approaches for addressing each issue. These will not be reiterated here.

Who decides what is "unacceptable" risk and what is not? Who decides what is "reasonable assurance?" Under CERCLA (the "Superfund" law), EPA is granted the authority and responsibility to make risk determinations for hazardous waste sites. We generally attempt to make this determination in cooperation with state and local governments, or with other Federal agencies, but the responsibility is ultimately EPA's. Within EPA, we rely primarily on those most familiar with each site to make these determinations - the risk managers. Depending on the nature of the site, the decision may be made by an On-Scene Coordinator (for emergencies), a Remedial Project Manager (for long-term investigations and cleanups), or a Site Assessment Manager (for "new" sites being screened for additional action). Depending on the site, there may be many other team members involved (such as a toxicologist) and several levels of management or external review. The decision to archive Silver Creek Tailings will be made jointly by Luke



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Chavez, the Site Assessment Manager, and Jim Christiansen, the Remedial Project Manager, in close coordination with UDEQ and all other stakeholders and team members involved.

How will this decision be made? We will base the decision on our ability to satisfactorily address the issues we have presented - many of which are qualitative in nature. There are no generic protocols, formulas, or numerical requirements which we must follow and there are no generic "steps" for archiving the site from CERCLIS. It is largely a subjective decision on the part of the risk managers - one we will attempt to make in partnership with other stakeholders and under a review system established by the group. If we make the decision that no further Federal action is required, it must be documented and justified (in a report, memorandum, or similar), and then we will change the site's status in CERCLIS to "archived." The administrative process is very simple and conducted entirely at Region 8.

At this time, we can be no more specific.

**On page four (4) of the letter, reference is made to the public process employed at the Smuggler Mine in Aspen, Colorado as a model for Park City to look to for resolving mining related lead contamination in residential neighborhoods. Could you provide the names and contact numbers of EPA officials, city officials, and members of the external advisory panel who worked on the program in Aspen?**

First, we need to clarify that we are not suggesting the public process used in Aspen is a "model" for Park City. While there are many similarities between the two sites, there are also many differences. We highlighted Smuggler because (1) it showed that multi-stakeholder efforts can work, even under very difficult circumstances, and (2) it showed that residential lead sites which did not undergo significant cleanup can be deemed "safe" under the right circumstances and with the right information. We think the technical process and the weight of evidence approach used at Smuggler has more direct benefit to Park City than the public process, as we have already established an effective stakeholder-based process in Park City which would be conducive to such work.

With that in mind, several names and contact numbers, with their role in the Smuggler process, are provided below. These people may also be able to refer you to others with additional information.

- Dr. Gerry Henningsen was the primary EPA toxicologist involved with Smuggler but is currently retiring from EPA. Other Region 8 toxicologists, including Dr. Chris Weis (303) 312-6671 and Dr. Susan Griffin, (303) 312-6651, are familiar with the Smuggler work and have extensive experience in assessing risks from lead. Susan is the site toxicologist for our Park City work and should be consulted first.
- Mr. Tom Dunlop was the Director of the Aspen-Pitkin County Health Department and probably had the highest degree of local involvement. He can be reached at (970) 920-5073
- Dr. Bob Bornschein, from the University of Cincinnati, was the principal investigator on the external advisory panel. Dr. Bornschein's number is (513) 558-0996.

We have also included an article from the Denver Post (Attachment A) which discusses the culmination of the Smuggler process.

**On page eight (8) of the letter, reference is made to conducting a well designed blood lead study in Park City. Can you identify and provide the specific study protocol the agencies would want to use in Park City?**

Again, each site and situation we deal with is different and we have not attempted to develop a study design specifically for Park City. Such a design is dependent on many factors (administrative, political, and technical) which we have not yet discussed. However, it is in this context that the information from Smuggler is particularly valuable. Two documents are attached relating to the study design, data, and conclusions from the Smuggler work. The study described is very similar to what we have proposed as an alternative for Park City though, again, there would likely be many differences in a study specific to Park City. Attachment B is the Final Report from the University of Cincinnati. Attachment C is a report prepared by Dr. Henningsen of EPA describing our interpretation of the results from the Final Report. Similar studies were conducted at Midvale, Utah after cleanup of lead contaminated residential yards to investigate the effect of the cleanup.

**On page eight (8) of the letter, reference is made to collecting field data in the Soils District. Can you specifically identify the data the agencies want to gather and the testing protocols the agencies want to use to gather the field data?**

The nature of any field data collected would be dependent on the objective. Depending on the approach the stakeholders elect to take, objectives may be very different. There are too many possibilities to detail each one. We have stated our preference is to collect as much existing information as possible and supplement this with a well-designed blood lead/co-located environmental sample study and limited field sampling of the cap. Much of the *potential* data collection applicable to a blood lead/co-located environmental sample study is detailed in the Smuggler report at Attachment B. For field sampling of the cap, there are various methods for determining its thickness, but we would likely employ a grid-based, random sampling of previously capped areas on a per property basis (not all properties would have to be sampled), take multiple samples per property, and use statistical analysis to determine the average thickness of the "clean" cap in the Ordinance area. A detailed plan is beyond the scope of this letter and is one of the things we would attempt to work through with the Working Group.

**On page eight (8) of the letter, reference is made to use of an "approved EPA lead risk assessment model." Can you provide specific information about which model the agencies would wish to use in Park City?**

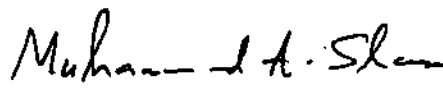
The IEUBK model is the currently the only model approved for use by EPA to quantitatively evaluate lead risks to children. A fact sheet from the EPA web site regarding its use is found in Attachment D. However, use of the IEUBK model alone to assess risk is not our preferred method for the Silver Creek Tailings site. The IEUBK is more appropriate for areas which have

method for the Silver Creek Tailings site. The IEUBK is more appropriate for areas which have not undergone remediation and may not adequately address many of the issues present at the Silver Creek Tailings site.

We hope that this provides sufficient information for Park City to continue moving forward. We appreciate your efforts in establishing the Soil Ordinance Work Group and look forward to addressing these issues collectively in the future. If you have any questions, please contact us directly.



Jim Christiansen  
Remedial Project Manager  
EPA Region VIII



Muhammed Slam  
Project Manager  
Utah Department of Environmental  
Quality, DERR

**Attachments:**

- A - Denver Post Article
- B - Smuggler Mountain Report
- C - EPA Analysis of Risk at Smuggler Mountain
- D - IEUBK Web Page